

Remarks:

Reconsideration of the application is requested.

Claims 1-19 remain in the application. Claims 1, 11, 12, and 16 have been amended.

In item 3 on page 2 of the Office action, claims 1-3 and 11 have been rejected as being anticipated by Braun et al.

(4,809,296) under 35 U.S.C. § 102. Applicants respectfully traverse.

Claims 1, 11, 12, and 16 have been amended to better define the invention. Support for the changes regarding the radio access control system for a motor vehicle can be found by referring to the application at page 6, lines 8-14. Support for the changes regarding the wireless transmission can be found by referring to the application at page 2, line 17 through page 3, line 13. Also it should be clear that a radio access control system would operate wirelessly.

Braun et al. (4,809,296) teach a method for transmitting data via the lines of a power system (column 2, lines 44-55).

Whereas, in contrast, claims 1 and 11 define a method used in a radio access control system for a motor vehicle in which a wireless transmission takes place. For example, claims 1 and

11 include a step of wirelessly transmitting a data message more than one time using at least two different carrier frequencies in temporal succession to increase immunity to interference...

In item 6 on page 4 of the Office action, claims 4, 5, 9, and 10 have been rejected as being obvious over Braun et al. (4,809,296) under 35 U.S.C. § 103.

These claims are patentable for the reasons specified above in regard to claim 1.

In regard to claim 4, Braun et al. does not suggest the claimed limitations and it is not merely a matter of design choice. Please page 7, line 7 through page 9, line 2 of the application where it is explained that a minor frequency change can change the effect of the interference. Page 8, lines 19-24 explains that a change of the frequency in the order of the data rate is sufficient. The data rate is much, much smaller than the carrier frequency. Changing the carrier frequency by the order of magnitude of the data rate results in only a slight deviation from the previous carrier frequency.

Since, the whole point of the frequency hopping method taught by Braun is to eliminate the effect of interference occurring

at a particular frequency or rather at a particular frequency band at a given moment, one of ordinary skill in the art would not have hopped to a frequency that differs from the previous frequency by only the order of magnitude of the data rate.

In item 7 on page 5 of the Office action, claims 6-8 have been rejected as being obvious over Braun et al. (4,809,296) in view of Stewart et al. (5,812,557) under 35 U.S.C. § 103.

Even if it were obvious to combine the references as alleged by the Examiner, the claimed invention would not have been obtained for the reasons specified above in regard to claim 1.

In item 8 on page 5 of the Office action, claims 12-19 have been rejected as being obvious over Braun et al. (4,809,296) in view of McCaslin (5,036,294) under 35 U.S.C. § 103.

Claims 12 and 16 define a device in a radio access control system for a motor vehicle in which a transmitter wirelessly transmits data messages. For example, claims 12 and 16 include a transmitter modulating data messages with said carrier frequencies and wirelessly transmitting the data messages in temporal succession.

Braun et al. (4,809,296) do not teach a device, which is in a radio access control system for a motor vehicle, including a

transmitter for performing a wireless transmission, but rather teach transmitting data along the wires of a power system.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 11, 12, or 16.

Claims 1, 11, 12, and 16, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on one of these claims, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, he is respectfully requested to telephone counsel so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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August 11, 2003

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